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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,251	07/18/2003	David M. Misaras	TR000055RCEDIV	3264
32047	7590	06/13/2006	EXAMINER	
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC 55 SOUTH COMMERICAL STREET MANCHESTER, NH 03101			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,251

Applicant(s)

MISARAS, DAVID M.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29, 31, 33-36, 38 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29, 31, 33-36, 38 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 03/29/2006.
2. Claims 29, 31, 33-36, 38, and 50-53 are pending, and claims 1-28, 30, 32, 37, 39-49, and 54 have been cancelled.
3. In view of amendment to the claims, claim objection is withdrawn.

Response to Arguments

4. Applicant's arguments, see the Remarks/Arguments, filed 03/29/2006, with respect to the rejection(s) of claim(s) 29, 31, 33-36, 38, and 50-53 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kluser (US 6,755,561 B2), Tillman, Sr. (US 5,971,761), and Nicholls et al. (US 6,672,749 B2). The new ground of rejection follows:

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29, 31, 33, 36, and 50-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Kluser (US 6,755,561 B2) in view of Tillman, Sr. (US 5,971,761) (Hereinafter "Tillman").
7. Re claims 29, 31, 33, 36, and 50: Kluser discloses an panel having a light transparent cover layer (265 in Fig. 2) and a method of backlighting the panel having a front and a rear

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surface, a plurality of light pipes (537, 537' and 537'' in Fig. 5) having a first end and a second end, wherein the first end of each of the light pipes is positioned adjacent to the rear surface of the cover layer and each of the second ends are positioned adjacent the light source, an LED light source (210 in Fig. 2), wherein the cover layer includes an elastomeric layer (240). Kluser does not specifically teach that the elastomeric layer is a foam layer. However, Kluser teaches a silicon rubber as an elastomeric material (col. 2, line 29). Further, Tillman discloses a panel having latex foam or sponge rubber, and a plurality of LED light sources are placed in the panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Tillman's latex foam or sponge rubber with Kluser's elastomeric layer because of Kluser's suggestion that the elastomeric layer could be a silicone rubber.

Re claims 51-53: Kluser's silicon rubber has the ranges of elongation, a tensile strength and a Shore Hardness as set forth in the claims.

8. Claims 34-35 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kluser and Tillman as applied to claim 29 above, and further in view of Nicholls et al. (US 6,672,749 B2).

9. Re claims 34-35 and 37-38: Kluser or Tillman do not teach a fiber optic as a light source. Nicholls discloses a plurality of fiber optic (35), and the fiber optics (19) are embedded in the foam layer (34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Kluser's light pipes with optical fibers as taught by Nicholls since the examiner takes Official Notice of the equivalence of optical fiber and light pipe for

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their use in the illumination art and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

Conclusion

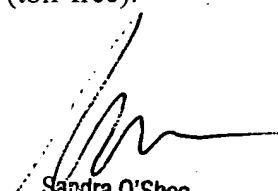
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gunatillake et al. (US 6,420,452 B1) discloses an elongation, a tensile strength, and a Shore Hardness of silicon rubber in TABLE 1-3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


Sandra O'Shea
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